

Appl. No. : 09/676,895  
Filed : October 2, 2000

### REMARKS

Claims 1, 2, and 4-29 remain pending in the present application. In response to the Office Action mailed March 8, 2004, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the following comments.

#### Nakase et al. Does Not Anticipate Claim 28

Claim 28 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,634,832 issued to Nakase et al. Applicant respectfully traverses the present rejection

Nakase et al. teaches a watercraft having a four-stroke, dual overhead cam engine. The cylinder bank of the engine is inclined such that the cylinder head leans toward the port side of watercraft. See Figures 3 and 4 of Nakase et al. It was the Examiner's position that Figure 4 of Nakase et al. shows "the crankshaft positioned more to one side of the centerline than the other, therefore defining an axis on the side of the centerline opposite the head, camshaft axes and valves."

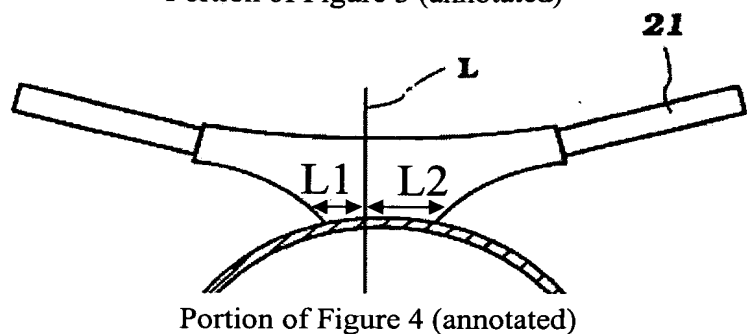
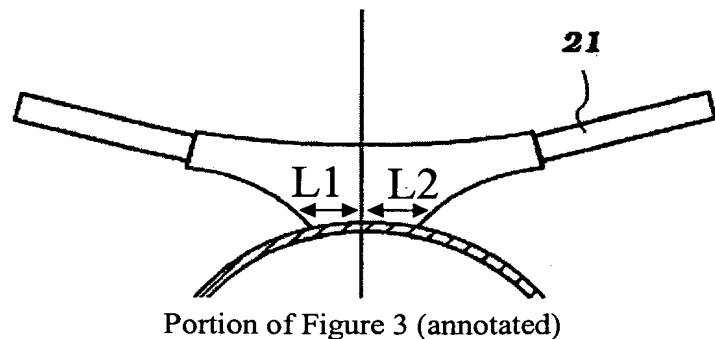
Firstly, Applicants wish to point out that the centerline L illustrated in Figure 3 of Nakase et al. appears to be directly aligned with the axis of the crankshaft 24 of the engine 23 shown therein. Applicants assume that the Examiner also recognizes this alignment in Figure 3, since the Examiner only cited Figure 4 in the present rejection. This alignment is made clear in the specification, at col. 3, ll. 63-67 of Nakase et al. as follows:

The crankcase assembly 39 is mounted so that the **crankshaft 24 rotates about an axis** which lies **substantially on a longitudinally extending center plane L** of the watercraft 11 and specifically its hull 12.

(Emphasis added).

In the specification of Nakase et al., the embodiment of Figure 4 is disclosed as having a more conventional intake manifold as compared to the intake manifold of Figure 3. There is no additional description of the embodiment of Figure 4 with regard to the alignment of the crankshaft 24 with the center plane L.

Applicants also wish to point out that the illustration of the center plane L in Figure 3 appears to be aligned with the center of the watercraft 11. For example, as shown in the portion of Figure 3 reproduced adjacent hereto, the center plane L appears to extend through the center of the handlebar 21; the distances L1 and L2 appearing to be about equal. However, in the illustration of Figure 4 reproduced adjacently hereto, the distances L1 appears to be significantly smaller than L2.



Applicants thus submit that the scale and alignment of the center plane L in these drawings should no be relied upon as to what the Nakase et al. reference teaches. Rather, it appears from the above comparison of Figures 3 and 4 that the alignment of the center plane L of Figure 4 is merely a drafting error. Applicants submit that one of ordinary skill in the art would therefore not assume that the illustration of Figure 4 suggests that the crankshaft should be positioned offset from the center plane of a watercraft. Rather, one of ordinary skill in the art would recognize the inconsistency in the representations of the center plane L and thus would rely on the explicit disclosure at col. 3, ll. 63-67 of Nakase et al. (cited above) for understanding the teachings and suggestions provided by the Nakase et al. reference.

Finally, Applicants would like to point out that it has long been established that because drawings of patent applications are not required to be to scale, the drawings should not solely be relied upon for teaching a proportion illustrated<sup>1</sup>. For example, MPEP § 2125 states:

<sup>1</sup> Applicants would like to note that the Examiner also recognized this rule at page 2 of the Office Action dated August 11, 2003.

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When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value.

Thus, Applicants submit that Nakase et al. does not teach or suggest (to one of ordinary skill in the art) that the crankshaft of an engine powering a watercraft should be offset to one side of a center line of the watercraft with the valves of the engine offset to the other side.

In contrast, Claim 28 recites, among other recitations, “the rotational axis of the crankshaft lies to one side of the center plane and both the first and second valve devices are disposed on the other side of the center plane, the rotational axis of the crankshaft being substantially offset from the center plane to at least partially counterbalance the weight of the first and second valve devices.”

Applicants thus submit that Claim 28 clearly and non-obviously defines over the Nakase et al. reference.

Claims 20, 21, And 28 Are Not Made Obvious By The Proposed Combination Of Nakase et al./Isaka

Claims 20, 21, and 28, stand rejected under 35 U.S.C. § 103 as being obvious over Nakase et al. in view of U.S. Patent No. 5,549,088 issued to Isaka. Applicants respectfully traverse the present rejection.

As noted above, Nakase et al. does not disclose or suggest that a crankshaft of an engine powering a watercraft should be offset to one side of a center line of the watercraft with the valves of the engine offset to the other. As noted above, Claim 28 clearly and non-obviously defines over the Nakase et al. reference.

Additionally, Applicants point out that Claim 20 recites, among other recitations, “the engine being disposed within the hull such that the rotational axis of the crankshaft lies to one side of the center plane and both the first and second valve devices are disposed on the other side of the center plane, the rotational axis of the crankshaft being substantially offset from the center plane to at least partially counterbalance the weight of the first and second valve devices.” Similarly, Claim 21 recites, among other recitations, “the engine being disposed within the hull such that the rotational axis of the crankshaft lies to one side of the center plane and both the intake and exhaust

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camshafts rotate about axes that lie on the other side of the center plane, the rotational axis of the crankshaft being substantially offset from the center plane to at least partially counterbalance the weight of the first and second valve devices.”

Isaka does not contain any disclosure relevant to the alignment of an engine with the center plane of a watercraft. Thus, Claims 20, 21 and 28 clearly and non-obviously define over any obvious combination of the Nakase et al. and Isaka references.

### **CONCLUSION**

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Michael A. Guiliana at (949) 721-6384 (direct line), in order to resolve such issue promptly.

Respectfully submitted,

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